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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Letter dated 17 April 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

On instructions from my Government, I refer to information contained in document A/67/126/Add.1, which was provided on 17 May 2012 by the Government of the Syrian Arab Republic pursuant to paragraph 10 of General Assembly resolution 65/30. I write in response to the two letters dated 26 February 2013 from the Permanent Representative of the Kingdom of Saudi Arabia to the United Nations addressed to the Secretary-General and circulated to Member States (documents A/67/759 and A/67/767 respectively). I wish to draw your attention to the following information:

The letters from the Permanent Representative of the Kingdom of Saudi Arabia refer to only six of the repeated attacks on the Consulate of the Syrian Arab Republic in Jeddah. According to the letters, Saudi judicial proceedings ended in the release of the assailants owing to insufficient evidence or after they had pledged not to repeat their behaviour. The letters invoke the pretext that no statement was received from the employees of the Syrian Consulate who were attacked.

The measures taken by the competent authorities of Saudi Arabia — on the one hand, preventive action to protect the Syrian Consulate and guarantee the safety and security of its employees, and, on the other hand, the response aimed at prosecuting the assailants and preventing them from attacking again — are not proportionate with the nature or extent of the threat posed by the repeated attacks on the Syrian Consulate and its employees. The response to the attacks, which took place on a daily basis over a given period of time, was neither genuine nor sufficient. Nor was it consistent with two fundamental obligations arising from the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963), namely, that the receiving State shall take all appropriate steps to, first, protect the consular post against any disturbance of the peace or impairment of its dignity and, second, prevent any attack on the person or dignity of its employees (Vienna Convention on Consular Relations (1963), articles 31.3 and 40). Those principles are upheld in General Assembly resolution 67/94, which affirms that States should take adequate measures to prohibit illicit activities on their territories.

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Despite having the relevant information, the Saudi authorities did not notify the Syrian side of the outcome of the investigations into the attacks.

The letter of the Saudi Permanent Representative states that Syrian consular employees in Jeddah or their representatives were summoned to make statements to the Saudi security authorities regarding the events. However, the two Vienna Conventions provide that individuals who enjoy diplomatic immunity shall not be compelled to give evidence. Indeed, that request is unjustified, as the memorandums sent by the Syrian Consulate in Jeddah to the Saudi Ministry of Foreign Affairs provide a detailed account of every attack and the names of the perpetrators, most of whom were caught in the act by Saudi diplomatic security officers.

With regard to the two incidents involving the Saudi Embassy in Damascus, we should like to emphasize the following:

The Syrian Government met in full all its obligations with regard to the two incidents involving the Saudi Embassy in Damascus: the Syrian authorities provided protection for the Embassy and prevented any attack on it. The pertinent Syrian parties removed by force from the Embassy building those who had assaulted it and arrested the person who had pulled down the Saudi flag, handing him over to the Arnus police department. Tear gas was used to disperse the crowd. The Saudi side was not informed of the outcome of the investigations because it has closed its Embassy and Consulate in Damascus.

The Syrian Government is committed to shouldering its international responsibilities under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. The proper Syrian authorities have established a committee in order to establish, in consultation with the Saudi Embassy, the damage caused to the Saudi Embassy in Damascus; however, that Embassy has refused to cooperate with the Syrian authorities in that regard.

The proper Syrian authorities continue to meet their obligations under international law and provide protection for and prevent any attacks on the Saudi Embassy and Consulate in Damascus, albeit those offices have been closed.

Lastly, the Government of the Syrian Arab Republic confirms the information which it supplied to the Secretary-General of the United Nations on 17 May 2012 concerning the attack on the Syrian Consulate in Jeddah and would like to clarify, in that regard, that the note which the Syrian Consulate in Jeddah addressed to the relevant Saudi authorities, in which it expressed appreciation for the role played by the Saudi diplomatic security corps in the usual diplomatic terms, also included a request that the Saudi authorities should inform it of the outcome of the investigations into the attack on the Consulate. That request has not been met.

I should be grateful if this letter could be circulated as a document of the General Assembly, under agenda item 81, and ensure that it is referenced in the report of the Secretary-General on that item.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative